

1 **CITY COUNCIL OF THE CITY OF ANNAPOLIS**

2

3 **ORDINANCE NO. O-15-02 REVISED AMENDED**

4

5 **Introduced by Mayor Moyer**

6

7

8 **AN ORDINANCE concerning**

9

10 **QUIT CLAIM DEED**

11

12 **FOR** the purpose of conveying, by quit claim deed, whatever rights, title and interest the

13 City has in certain real property located in the City of Annapolis to Annapolis MPK

14 Venture, L.L.C.; providing for the property to be sold at private sale; authorizing

15 Annapolis MPK Venture, L.L.C. to pursue zoning permits etc. relating to the

16 property before the interest, if any, hereby conveyed is perfected; and all matters

17 relating to rights, title and interest in such property.

18 * * * * *

19

20

21 **WHEREAS,** a certain deed dated December 12, 1935 recorded among the Land Records

22 of Anne Arundel County in Liber FAM 146, Folio 492 from William L. Schurr

23 to the Annapolis Emergency Hospital Association, imposed covenants upon

24 land described in the attached Exhibit "A" (the "Property"), and;

25

26 **WHEREAS,** according to that deed, upon a breach of the covenants described therein,

27 title to the Property is said to vest in the City of Annapolis; and

28

29 **WHEREAS,** Annapolis MPK Venture, L.L.C. (the "LLC") has contracted to purchase the

30 Property, and certain other property, from Anne Arundel Health Systems,

31 Inc. (successor to the Annapolis Emergency Hospital Association); and

32

33 **WHEREAS,** the LLC has applied to establish a planned development on the property

34 owned by Anne Arundel Health Systems, Inc. which includes the Property,

35 to be known as "Acton's Landing"; and

36

37 **WHEREAS,** the site plan for Acton's Landing provides that the Property, in part, is to be

38 developed into a public park; and

39

40 **WHEREAS,** the Property parcel described in the attached Exhibit "B", being part of

41 Charles and Shaw Streets, as well as part of the Property, would become

42 part of a public park as shown on said plan of Acton's Landing; and

43

1 WHEREAS, it is the intention of the LLC to cause that park to be developed and
2 constructed and a new road and sidewalks to be constructed connecting
3 South Street to Shaw Street, all as shown on the site plan of Acton's Landing
4 Prepared by O'Doherty Graham Landscape Architecture January 2002,
5 utilizing Option "A", which site plan is incorporated herein by reference
6 ("Park and Right-of-Way"); and
7

8 WHEREAS, City Code Section 21.72.020 (A) A provides that a "person having a freehold
9 interest in land, or a possessory interest entitled to exclusive possession, or
10 a contractual interest which may become a freehold interest or an exclusive
11 possessory interest, and which is specifically enforceable, may file an
12 application to use the land for one or more of the special exceptions
13 provided for in this title ...[Title 21] in the zoning district in which the land is
14 located"; and
15

16 WHEREAS, that section of the City Code is made applicable to the Acton's Landing
17 planned development by virtue of City Code Section 21.74.010; and
18

19 WHEREAS, it is the intention of the Annapolis City Council to convey to the LLC by quit
20 claim deed, the City's rights, title and interest in the Property, if any, to the
21 LLC on the condition that to allow the LLC to construct the Park and Right-
22 of-Way as described above; and
23

24 ~~WHEREAS, by its decision dated May 7, 2002, the Annapolis Board of Appeals approved~~
25 ~~the development of the Property, including the Park and Right-of-Way~~
26 ~~subject to certain terms and conditions; and~~
27

28 WHEREAS, the Property, including the Park and Right-Of-Way, shall be developed in
29 accordance with the decision of the Annapolis Board of Appeals; and
30

31 WHEREAS, it is the further intention of the Annapolis City Council to grant to the LLC
32 before the recordation of the quit claim deed referred to herein, such
33 permission, possessory interest and rights as may be required pursuant to
34 City Code Section 21.72.020 (A) A in order to construct the Park and Right-
35 of-Way as described above.
36

37 NOW THEREFORE:
38

39 SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY
40 COUNCIL that it hereby approves of the conveyance by quit claim deed, of whatever
41 rights, title and interest it may have in that property the Property referenced on the quit

claim deed attached hereto in the City of Annapolis, ~~subject to the following conditions~~
~~under the following terms:~~

1. That the consideration for that conveyance shall be one dollar (\$1.00) and the development and construction of the Park and Right-of-Way ~~generally~~ as described above to the satisfaction of the Director of Planning and Zoning and the Director of Public Works; and
2. That the LLC shall cause to be made, at its sole expense, a metes and bounds survey description of the ~~parcel of ground~~ **Property** and a plat in recordable form, by a registered land surveyor, and submit same to the City's Department of Public Works for review and approval;
3. That the LLC shall cause a deed for the conveyance to be prepared at its sole expense, and submit same to the City Attorney for review and approval; and
4. That the LLC shall bear all of the costs in connection with the transfer of said interest in said ~~parcel of ground~~ **Property**, including but not limited to attorney's fees, document preparation, survey expenses, and recordation costs.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that it hereby finds that the City's **rights, title and** interests, if any, in the Property ~~to be conveyed~~ is no longer needed for any public purpose and that the proposed development and construction of the Park and Right-of-Way on the Property by Annapolis MKP Venture, L.L.C. will serve the public purpose significantly greater than retaining the City's **rights, title and** interest, if any, in the Property.

SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the conveyance is to be made at private sale and the property **Property** subject to this conveyance is as described in ~~the deed attached~~ **Exhibit A** hereto ~~and made a part hereof.~~

SECTION IV: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the City Attorney be and the same is hereby directed to deliver the said deed to Annapolis MPK Venture, L.L.C. ~~(its successor or assigns)~~ which deed shall not be recorded until the ~~conditions set forth above have been satisfied to the satisfaction of the Director of Public Works and the Director of Planning and Zoning~~ **Park and Right-of-Way on the Property is developed and constructed according to the requirements of the Annapolis Board of Appeals decision dated May 7, 2002**, but that if ~~such conditions are not satisfied to the satisfaction of those directors~~ **the Park and Right-of-Way are not so developed and constructed**, then the deed shall not be recorded but

shall, instead, become void, returned to the City Attorney and be destroyed by the City Attorney.

SECTION V: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL nothing contained in this ordinance or in any attachment hereto shall be construed to constitute an exercise by the City Council of any zoning power conferred by state law nor shall it be construed to waive or to otherwise interfere with any procedure set forth in Title 21 of the City Code applicable to the development of the property referred to herein.

SECTION IV: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall take effect from the date of its passage.

ADOPTED this 13th day of May, 2002.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

Deborah Heinbuch, CMC/AE
City Clerk

BY: _____
ELLEN O. MOYER, MAYOR

EXPLANATION:

Redlining indicates matter added to existing law.

Strike Out indicates matter deleted from existing law.

Underlining and redlining indicate amendments.